

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7410

BILL NUMBER: SB 504

NOTE PREPARED: Jan 7, 2011

BILL AMENDED:

SUBJECT: Merit System for Marion County Sheriff Deputies.

FIRST AUTHOR: Sen. Arnold

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *Merit System*- The bill establishes a merit system and procedures for discipline and removal for deputies of a sheriff's department (department) in a county having a consolidated city (city). The bill provides that the merit system and procedures for discipline and removal apply to full-time, fully paid employees of the department who exercise the powers of a law enforcement officer in the performance of duties for which the sheriff is responsible after the consolidation of the police department of the city and the county police force.

Special Deputies- The bill removes the limitation that a sheriff in a county having a consolidated city appoint only special deputies to serve as county jail guards.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Merit System*- Under the bill, a merit board would be established by the Indianapolis/Marion County City County Council. The board would have five members and would be paid a minimum per diem of \$15 per day for days (whole or part) that the members are engaged in transacting merit board business. The impact of this provision on Marion County's annual expenditures would depend on the per diem established by the Council and the number of days the merit board was to meet in a given year.

The bill specifies that the merit board would have to hold regular monthly meetings as necessary for department business. Based on the above information, 12 meetings for five members at \$15 per meeting would require expenditures of \$900 annually. The bill does not specify the fund from which the board expenditures would be paid.

Sheriff Pension Fund Considerations- The bill specifies that newly hired deputies would not be eligible for inclusion in the Marion County Sheriff Department's Pension Trust. New members would be placed into the Public Employee Retirement Fund (PERF). This provision would codify current practice. Since the departmental changes brought to Marion County law enforcement through the formation of the Indianapolis Metro Police Department, the new sheriff deputies now participate in PERF. At that time, the Trust was closed and no new deputies have been placed into it.

Special Death Benefit- This provision clarifies that a Marion County sheriff deputy hired under the merit system would be entitled to receive special death benefits provided under IC 5-10-10. The Special Death Benefit Fund is used to pay lump sum payments to the survivor of a public safety officer who dies in the line of duty. Under current law, a sheriff deputy is considered a covered position under the definition of a "county police officer" within IC 5-10-10.

Appeal of Merit Board Decisions- If court action were sought by a deputy appealing the ruling of the proposed Merit Board, the bill specifies that an appeal would take precedence in a court "over other pending litigation" and must be "tried and determined by the court as soon as practical." Assuming most appeals would take place in either Marion Circuit or Superior Court, those courts could see a slight increase in their caseload as a result of this provision.

Special Deputies- This provision could give the Marion County Sheriff Department some flexibility in the deputies used to guard prisoners at the county jail.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Marion County Sheriff Department; trial courts.

Information Sources: Kevin Murray, counsel for the Marion County Sheriff Department; Tom Parker, Public Employee Retirement Fund.

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